

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DENNIS McCABE,

Plaintiff

v.

NEVADA DEPARTMENT OF  
CORRECTIONS INMATE BANKING  
SERVICES, *et al.*,

Defendants

Case No. 3:20-cv-00328-MMD-CLB

**ORDER**

**I. DISCUSSION**

On June 2, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and a Financial Certificate with an inmate account statement for the previous six-month period. (ECF Nos. 1-1, 1-2). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$400 filing fee for this action on or before **August 3, 2020**.  
2 Absent unusual circumstances, the Court will not grant any further extensions of time. If  
3 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all  
4 three required documents or pay the full \$400 filing fee on or before **August 3, 2020**, the  
5 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court  
6 when Plaintiff is either able to acquire all three of the documents needed to file a fully  
7 complete application to proceed *in forma pauperis* or pay the full \$400 filing fee.

8 To clarify, a dismissal without prejudice means Plaintiff does not give up the right  
9 to refile the case with the Court, under a new case number, when Plaintiff has all three  
10 documents needed to submit with an application to proceed *in forma pauperis*.  
11 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*  
12 and instead pay the full filing fee of \$400 on or before **August 3, 2020** to proceed with  
13 this case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the  
14 Court will not file the complaint unless and until Plaintiff timely files a fully complete  
15 application to proceed *in forma pauperis* with all three documents or pays the full \$400  
16 filing fee.

## 17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
19 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
20 as the document entitled information and instructions for filing an *in forma pauperis*  
21 application.

22 IT IS FURTHER ORDERED that on or before **August 3, 2020**, Plaintiff will either  
23 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
24 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
26 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
27 signatures on page 3),

28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail

1 official (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
3 **previous six-month period.**

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
5 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
6 filing fee for a civil action on or before **August 3, 2020**, the Court will dismiss this action  
7 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
8 when Plaintiff has all three documents needed to file a complete application to proceed  
9 *in forma pauperis* or pays the full \$400 filing fee.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
11 (ECF No.1-1) but will not file it at this time.

12 DATED: June 3, 2020.

13   
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28